

MOCs: Summary of 2015 New and Amended Crime Legislation And MOC Table Changes

1. Engaging in, Hiring, or Agreeing to Hire Minor to Engage in Prostitution

Description: The prostitution statute is amended making the hiring of an adult prostitute a felony if the patron reasonably believes the prostitute to be a child under Minn. Stat. § 609.324, subd. 1(c). The fact that an undercover operative or law enforcement officer was involved is not a defense.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 6, §§ 11-12; 2014 Minn. Stat. § 609.324 .
MOC Table Changes: Add to Z Table-Age of Prostitute: 7. "Believes to be a Child"	

2. Expanded Fifth-Degree Criminal Sexual Conduct

Description: Fifth-degree criminal sexual conduct (CSC) under Minn. Stat. § 609.3451, subd. 1, is expanded to include intentionally touching the body or clothing with semen.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 6, § 14; 2014 Minn. Stat. § 609.3451 .
MOC Table Changes: Add to L Table-Act: D. "Intentionally Touch Body or Clothing with Semen"	

3. Felons Not to Possess Ammunition

Description: A definition for ammunition is added to Minn. Stat. § 609.02, subd. 17. Ammunition is defined as "cartridge cases, primers, bullets, or propellant powder designed for use in any firearm." The bill amends the offenses under Minn. Stat. §§ 609.165 and 624.713. to include possession of ammunition. Felons who are not allowed to possess firearms are not allowed to possess ammunition and are subject to the mandatory minimum prison sentence under Minn. Stat. § 609.11. A person under the age 18 may possess ammunition designed for use in a firearm lawfully possess under direct supervision of a parent or guardian. Antique and ornamental ammunition is exempt.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 3, §§ 16-20, 26, 33; 2014 Minn. Stat. §§ 609.02 ; 11 ; 165 ; 624.713 ; 715 .
MOC Table Changes: Add to W Table-Type: N. "Ammunition"	

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4. Suppressors

Description: The bill permits firearm suppressors (formerly known as “silencers”) to be possessed if lawfully possessed under federal law. A suppressor is defined as “any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.” The bill also amends the title of the reckless discharge offense under Minn. Stat. § 609.66, by striking “silencers” and inserting “suppressors.” The law clarifies that it is lawful to carry a firearm in the Capitol area provided there was an issuance of a permit to carry.

Effective Date:	Reference: 2015 Minn. Laws ch. 65 , art. 3, §§ 19-20; 2014 Minn. Stat. § 609.66 .
MOC Table Changes: On W Table-Type- Change 6. to “Silencer/Suppressor”	

5. Expanded Financial Transaction Card Fraud

Description: Financial Transaction Card Fraud was amended to include trafficking of Supplemental Nutrition Assistance Program (SNAP) benefits.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 78 , § 60; 2014 Minn. Stat. § 609.52 .
MOC Table Changes: Add to U Table-Act 82. “Fraud-Financial Transaction Card (FTCF)-Trafficking in SNAP Benefits”	

6. Wrongful Employment at a Child Care Center

Description: A new felony was created for wrongful employment at a child care center under Minn. Stat. § 609.816. This applies to persons who require child care center applicants or employees to have one or more children who are eligible for or receive child care assistance. The crime is punishable under the theft penalty provisions in Minn. Stat. § 609.52, subd. 3, clauses (1) to (5) which range from misdemeanor to felony depending on the monetary value of the theft.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 78 , § 59; 2014 Minn. Stat. § 609.52 .
MOC Table Changes: Add to T Table-From 24. “Wrongful Employment -Child Care Center”	

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7. Purchasing Firearm on Behalf of Ineligible Person

Description: Any person who purchases or obtains a firearm for another person known to be ineligible to possess or purchase a firearm is guilty of a gross misdemeanor under the newly created Minn. Stat. § 624.7133.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 3, § 31
MOC Table Changes: Add to W Table-Act U. "Purchase on Behalf of Ineligible Person"	

8. Reckless Driving

Description: The crime of reckless driving under Minn. Stat. §169.13, subd. 1 (a) is amended to read: "A person who drives a motor vehicle while aware of and consciously disregarding a substantial and unjustifiable risk that the driving may result in harm to another or another's property is guilty of reckless driving. The risk must be of such a nature and degree that disregard of it constitutes a significant deviation from the standard of conduct that a reasonable person would observe in the situation." Currently, reckless driving is a misdemeanor. A new gross misdemeanor is established if a person causes great bodily harm or death to another person.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 6, §3
MOC Table Changes: Add to J Table-Act 8. "Reckless Driving"	

9. Adulteration by Bodily Fluid

Description: The new misdemeanor and gross misdemeanor offenses of adulteration by bodily fluid are created under Minn. Stat. § 609.688. Bodily fluid is defined as "blood, seminal fluid, vaginal fluid, urine, or feces of a human." A person is guilty of a misdemeanor if he or she adulterates any substance intended for human consumption. A person is guilty of a gross misdemeanor if he or she adulterates any substance and another person ingests it.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 6, §17
MOC Table Changes: Add to M Table-HEALTH/SAFETY M5580 "Adulteration by Bodily Fluid"	

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10. Lowered Aggravated Alcohol Concentration to .16

Description: The aggravated alcohol concentration standard, used to enhance criminal penalties in cases of driving while impaired (DWI) in the third and second degree, is lowered from 0.20 to 0.16. The aggravated alcohol concentration standard is not an element of felony first-degree DWI.

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 65 , art. 6, § 5; 2014 Minn. Stat. § 169A.03 .
MOC Table Changes: Add to J Table-Aggravating Factors for DWI J. "Alcohol Concentration of .16 or More"	

11. Fourth-Degree Assault Expanded

Description: This law expands fourth-degree assault protections to employees supervising and working directly with mentally-ill and dangerous patients by amending Minn. Stat. § 609.2231, subd. 3a. Currently, paragraph 3a(b) makes certain assaults felonies, provided they are committed (1) by persons committed to the Minnesota Sex Offender Program (MSOP) (ch. 253D), (2) against caregivers and treatment providers, (3) in the MSOP at Moose Lake and the Minnesota Security Hospital. The act expands the definition of "secure treatment facility" to include the entire Minnesota Security Hospital, not just the MSOP.

In addition, a new paragraph 3a(c) expands the crime to include assaults against secure treatment facility staff by persons not committed to MSOP; namely, persons committed as mentally ill and dangerous (§ 253B.18) and patients admitted from jail or prison who are ordered confined for a competency examination (§ 253B.10, cl. (1)).

The statutory maximum is two years. A mandatory minimum prison sentence of one year and one day continues to apply to the existing paragraph 3a(b), which applies only to persons committed to MSOP. The mandatory minimum does not apply to the new paragraph 3a(c).

Effective Date: August 1, 2015.	Reference: 2015 Minn. Laws ch. 23 § 1; 2014 Minn. Stat. § 609.2231, subd. 3a .
MOC Table Changes: None Use existing codes on the A Table	

12. Change to Headnote for Minn. Stat. § 609.713

Description: The title for 609.713 was changed from "Terroristic Threats" to "Threats of Violence." The criminal provisions were not affected.

Effective Date: May 12, 2015	Reference: 2015 Minn. Laws ch. 21 , art. 1, § 109, subd. 10; 2014 Minn. Stat. § 609.713 .
MOC Table Changes: On A Table amend Category 9. "Terroristic Threats/Threats of Violence"	